

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 131**

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H. P. 371

House of Representatives, January 25, 1949.

Referred to Committee on Sea and Shore Fisheries. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Prince of Harpswell.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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**AN ACT Regulating the Shucking of Shellfish.**

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**Emergency preamble.** Whereas, the present shucking requirements of clams prevent people from shucking clams in their own homes without meeting extremely strict standards; and

Whereas, such requirements work a great hardship on a large number of clam diggers and their families; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore

Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., c. 34, § 96, amended.** Section 96 of chapter 34 of the revised statutes as revised, is hereby amended by adding at the end thereof the following:

‘No person, firm or corporation, by their servant or agent, shall shuck or remove from the shell, any clams, quahogs or mussels for sale and ship-

ment beyond the limits of the state of Maine, without first having procured therefor, a certificate from the commissioner of agriculture. Nor shall any person, firm or corporation, by their servant or agent, buy or take from any person any shucked clams, quahogs or mussels for sale and shipment beyond the limits of the state of Maine, unless such clams, quahogs and mussels have been shucked in a shucking house certified by the commissioner of agriculture.

Application for a shellfish certificate giving authority to shuck and remove from the shell, clams, quahogs and mussels for sale and shipment beyond the limits of the state of Maine, shall be made on blanks furnished by the commissioner of agriculture. Each application for a shellfish shucker's certificate must be signed by the applicant and must show the exact locality of the flats from which the clams, quahogs and mussels are to be dug, and the location within the state of the shucking house described in the application. The application shall also bear the names of all persons digging clams, quahogs and mussels that are to be shucked, sold and shipped by the applicant beyond the limits of the state of Maine. If the commissioner of agriculture is satisfied that the shucking house and premises conform to the regulations and standards of purity and quality established by the U. S. public health service, and the laws and regulations of the state of Maine, he may issue the applicant a certificate. This certificate shall entitle the holder of said certificate to shuck clams, quahogs and mussels for interstate trade. Such certificate shall bear a number and shall designate, by local name, the areas from which clams, quahogs and mussels can be taken, shucked and sold by the applicant.

Shellfish shucking certificates issued under the provisions of this section shall expire at midnight on December 31st of the calendar year in which they were issued, unless sooner revoked or suspended, and shall be renewed annually thereafter.

The commissioner of agriculture shall have the power to revoke or suspend any certificate thus issued by him whenever it is determined by himself or any of his deputies that any of the provisions of law or any of the regulations governing the shipment of clams, quahogs or mussels, or the provisions or regulations governing such establishment where clams, quahogs or mussels are shucked, have been violated.

Provided, however, that the provisions for issuing, obtaining and holding a shellfish shucking house certificate shall not apply to clams, quahogs and mussels shucked in homes or fish markets for sale in intrastate trade, or clams, quahogs and mussels shucked in hotels and restaurants for serv-

ing on the premises, nor shall it prohibit individuals from shucking clams, quahogs and mussels at home for consumption for themselves and families.'

**Sec. 2. R. S., c. 34, § 110-B, repealed.** Section 110-B of chapter 34 of the revised statutes, as revised, is hereby repealed.

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.